
OLR Bill Analysis

sHB 5802

AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION.

SUMMARY:

This bill codifies Executive Order No. 45 (issued by Governor Rell), which prohibits anyone constructing or operating an electric generating facility (power plant) from using flammable gas to clean or blow the facility's gas piping. It requires anyone applying for the required Connecticut Siting Council certificate to build a power plant to (1) provide at least one special inspector to help the local fire marshal review and inspect the facility during construction and (2) pay a fee to help train local fire marshals in power plant construction issues.

The bill subjects to a fine of up to \$1,000, imprisonment for up to six months, or both, for each offense, anyone who (1) uses flammable gas to clean or blow a power plant's gas piping or (2) fails to provide the required special inspector or pay the fire marshal training fee.

The bill requires the Siting Council to meet with and solicit comments from specified state agencies when considering applications to build power plants. It requires that at least once during construction, the council and some of the agencies meet to discuss any known or potential safety issue at the facility and submit any proposed resolutions to the facility's special inspector.

EFFECTIVE DATE: Upon passage

SPECIAL INSPECTORS

Requirement to Provide

The bill requires anyone applying to the Connecticut Siting Council for a certificate to build an electric generation or storage facility to:

1. provide at least one special inspector to help the local fire marshal review plans and inspect the facility during construction to ensure compliance with recommended standards and
2. pay a fee to be used to help train local fire marshals on the complex issues of electric generating facility construction.

The bill does not specify the amount of the fee, which must be deposited in the “code training fund.” (By law, the fund contains revenue from fees assessed on building permit applications and is used to provide training and education programs for building and fire code officials and professionals in the building design and construction industry.)

Duties of Special Inspector

The special inspector must:

1. help the local fire marshal review and approve cleaning methods for interior gas piping;
2. approve an appropriate safety plan for nonflammable gas blows conducted at the facility;
3. observe cleaning procedures to ensure compliance with the approved methods for cleaning interior gas piping;
4. inspect the facility during construction to ensure compliance with the approved methods and with the bill.

Qualifications of Special Inspector for Electric Generating Facility

Anyone designated as a special inspector must:

1. be approved by the Siting Council and not be otherwise employed or financially involved in the facility’s construction or operation;
2. be licensed in Connecticut as a professional mechanical engineer or hold a commission from the National Board of

Pressure Vessel Inspectors and have knowledge of and field experience in electric generating facility construction;

3. be commissioned by the American Society of Mechanical engineers; or
4. have equivalent experience working with the International Code Council's International Mechanical Code and the American Society of Mechanical Engineers' Process Piping Code, as determined by the American Society of Mechanical Engineers.

HEARINGS

Before commencing any hearing on an electric generating facility, the bill requires the Siting Council to consult with and solicit written comments from the Council on Environmental Quality; the Office of Policy and Management; and the departments of Agriculture, Consumer Protection, Economic and Community Development, Emergency Management and Homeland Security, Environmental Protection, Labor, Public Health, Public Works, Public Safety, Public Utility Control, and Transportation.

The bill requires that at least once during construction, the council and specified departments meet to discuss any known or potential safety issue at the facility and submit any proposed resolutions to special inspector. The departments are Emergency Management and Homeland Security, Public Safety, Consumer Protection, Public Works, and Labor.

BACKGROUND

Connecticut Siting Council

This council has exclusive jurisdiction over most power plants. The exceptions are

1. emergency generators and
2. a generation facility that is

- (a) owned and operated by a private power producer (certain non-utility generators),
- (b) a qualifying small power production facility or a qualifying cogeneration facility under the federal Public Utility Regulatory Policies Act (i.e. , a facility that uses renewable energy or simultaneously produces electricity and useful heat) or a facility the council determines to be primarily for a producer's own use, and
- (c) a renewable energy facility with a generating capacity of 1 MW or less or a cogeneration facility with a capacity of 25 MW or less (CGS § 16-50i(a)).

In most cases, a developer must obtain a certificate of environmental compatibility and public need from the council before beginning work on an electric generating facility (CGS § 16-50k(a)). But, the council must approve certain generating facilities by declaratory ruling, an alternative process. These include various generation facilities with a capacity of 65 MW or less.

Related Bill

HB 1142, reported by the Energy and Technology Committee, among other things:

1. makes DPUC responsible for coordinating safety programs related to the construction and operation of power plants,
2. bars the Siting Council from approving a gas-fired power plant unless it finds that the plant will not jeopardize nearby residents and property,
3. gives the Department of Public Utility Control (DPUC) responsibility for coordinating state safety programs that relate to the safe operation of power plants,

4. requires any state agency responsible for a program that relates to the safe operation of a power plant to coordinate its programs with DPUC, and
5. authorizes DPUC's gas pipeline safety unit to ensure that natural gas is used safely at any power plant that uses this fuel.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/08/2011)